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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 503]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE

NOVEMBER 21, 1939.

§ 301.72-5c *Administrative instructions—Modifying the restrictions of the white-fringed beetle quarantine by authorizing treatment by methyl bromide solution of balled nursery stock not larger than six (6) inches in thickness.* It has been determined after investigation by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, that balled nursery stock can safely and successfully be treated with methyl bromide solution for the control of larvae of the white-fringed beetle (*Pantomorus leucoloma* Boh. and *P. peregrinus* Buch.).

(a) *Treatment authorized.* Under the provisions of Regulation 5 (a)¹ (Sec. 301.72-5) supplemental to Notice of Quarantine No. 72 (Sec. 301.72), the Chief of the Bureau of Entomology and Plant Quarantine hereby authorizes as a prerequisite to certification, the following method of treatment for balled plants, when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(b) *Type of material authorized.* The treatment shall be applied only to plants in soil balls not greater than six (6) inches in diameter or greater than six (6) inches in thickness when not spherical.

(c) *Treatment method.* (1) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays approximately one foot deep, which are watertight.

(2) A 2-inch space filled with sand shall be provided between the soil balls, also above and beneath them.

(3) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(4) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

(5) After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 24 hours.

(6) The temperature of the soil balls during the treatment shall not be lower than 70° F.

(d) *Disclaimer.* There has been no opportunity to test this treatment on many varieties of plants, and it is understood that no liability shall attach either to the United States Department of Agriculture or its employees in the event of injury to either plants or operators.

(e) *Caution.* Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless, and in preparing the solution the operator should wear an approved gas mask. (Sec. 301.72-5) [B.E.P.Q. 503 November 21, 1939]

[SEAL]

LEE A. STRONG,
Chief.

[F.R. Doc. 39-4315; Filed, November 21, 1939; 2:58 p. m.]

FEDERAL SURPLUS COMMODITIES CORPORATION

DESIGNATION OF AREAS UNDER SURPLUS FOOD STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the

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¹ 3 F.R. 3005 DL.



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United States of America, the following areas are hereby designated as areas in which food order stamps may be used and in which the agricultural commodities and products listed in Surplus Commodities Bulletin No. 3,¹ approved by the Secretary of Agriculture September 25, 1939, shall be considered surplus foods.

The area within the city limits of Providence, Rhode Island, and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation. The posting of the definition of "immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation shall constitute due notice thereof.

The area within the county limits of Burleigh and Morton Counties, North Dakota.

The area within the county limits of Denver County, Colorado.

The effective dates for the above areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective

areas in local newspapers of general circulation.

[SEAL]

MILO PERKINS,
President.

Date, November 20, 1939.

[F. R. Doc. 39-4316; Filed, November 20, 1939; 4:06 p. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3218]

IN THE MATTER OF QUALITY BAKERS OF AMERICA ET AL.

§ 3.45 (e) (1) *Discriminating in price—Indirect discrimination—Brokerage payments.* Original cease and desist order in Quality Bakers of America et al., Docket 3218, April 27, 1939, requiring, among other things, that respondents Pillsbury Flour Mills Company, Consolidated Flour Mills Company, and Kansas Milling Company, their officers, etc., in connection with sale of commodities in interstate commerce to the [wholesale baking] stockholders of respondent Quality Bakers of America, "cease and desist from paying or granting, directly or indirectly, to said Quality Bakers of America, Inc., or to any such stockholder anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof;" modified and amended by striking therefrom such paragraph, and substituting in lieu thereof paragraph ordering that complaint in cause in question be, and the same is, dismissed as to respondents above named, "for the reason that prior to the issuance and service of the complaint herein, these respondents ceased paying brokerage fees to respondent Quality Bakers of America, Inc., and the Commission has no reason to apprehend that said respondents or any of them contemplate resuming or will resume the practice of paying such brokerage fees to said respondent," and ordered that said original order to cease and desist in all other respects remain and continue in full force and effect as originally entered. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13 (c)) [Order reopening proceeding and modifying findings as to the facts and conclusion and order to cease and desist, Quality Bakers of America et al., Docket 3218, November 15, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF QUALITY BAKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND ITS MEMBERS; FIRCH BAKING COMPANY, INC., DREIKORN BAKERY, INC., THE JACOB LAUB BAKING COMPANY, LIBERTY BAKING COMPANY, STROEHMANN BROTHERS COMPANY AND VERMONT BAKING COMPANY, INDIVIDUALLY AND AS REPRESENTATIVE MEMBERS OF SAID UNINCORPORATED ASSOCIATION; C. F. STROEHMANN, J. P. DUCHAINE, GROVER C. PATTON AND W. S. ALLISON, AS OFFICERS AND MEMBERS OF THE EXECUTIVE COMMITTEE OF SAID UNINCORPORATED ASSOCIATION, AND E. J. DERST, W. M. CLEMENS, ONIL O. COTE, S. S. WATTERS, HERBERT J. LAUB, JAMES H. SWAN, GEORGE C. WEST AND JAMES B. DWYER, AS MEMBERS OF SAID EXECUTIVE COMMITTEE, QUALITY BAKERS OF AMERICA, INC., A DELAWARE CORPORATION, WASHBURN CROSBY COMPANY, INC., A CORPORATION, PILLSBURY FLOUR MILLS COMPANY, A CORPORATION, RED STAR MILLING COMPANY, A CORPORATION, CONSOLIDATED FLOUR MILLS COMPANY, A CORPORATION, AND KANSAS MILLING COMPANY, A CORPORATION

ORDER REOPENING PROCEEDING AND MODIFYING FINDINGS AS TO THE FACTS AND CONCLUSION AND ORDER TO CEASE AND DESIST

This matter coming on to be heard upon the petition of respondent Pillsbury Flour Mills Co., praying the Commission to reopen this proceeding and to modify its findings as to the facts and conclusion, and order to cease and desist,¹ both being dated April 27, 1939; and it appearing to the Commission that each of the respondents named in the caption hereof, except respondents Washburn-Crosby Company, Inc., and Red Star Milling Company, against whom the complaint herein has been dismissed heretofore, have filed with the Commission a waiver of notice of a hearing on said petition of said respondent Pillsbury Flour Mills Company, said waivers consenting that the Commission may consider and act upon the said petition and determine the matters and things contained therein without any intervening procedure, such as the filing of answers, petitions in intervention or briefs, and a formal hearing and argument on said petition having been likewise waived; and said petition being now properly before the Commission for determination, and the Commission having duly considered the same and the record herein, and being now fully advised in the premises;

It is ordered, That this proceeding be, and the same hereby is, reopened for the purpose of the entry of this order and that the Findings as to the Facts and Conclusions and the Order to Cease and Desist heretofore entered herein be modified and amended as hereafter set forth.

It is ordered, That Paragraph Four of the Findings as to the Facts and Conclusion, made by the Commission herein and dated April 27, 1939, be and the same

¹ 4 F.R. 4045 DI.

¹ 4 F.R. 1948 DI.

hereby is modified and amended to read as follows:

"PAR. 4. Respondents Washburn-Crosby Company, Inc., and Red Star Milling Company, were legally dissolved June 1, 1937, prior to the issuance and service of the complaint herein. Respondent Pillsbury Flour Mills Company is a Delaware corporation with its general office located in Minneapolis, Minnesota. Respondent Consolidated Flour Mills Company is a corporation with its office and principal place of business in the City of Wichita, State of Kansas. Respondent Kansas Milling Company is a corporation with its principal office and place of business located in the City of Wichita, State of Kansas.

"Respondents Pillsbury Flour Mills Company, Consolidated Flour Mills Company, and Kansas Milling Company are engaged in the milling and sale of flour. Prior to about May 1, 1937, which was prior to the issuance and service of the complaint herein, they formerly paid brokerage fees of ten cents per barrel to respondent Quality Bakers of America, Inc., the usual and customary brokerage fees paid by them to brokers being fifteen cents per barrel, but on or about said date said respondents ceased making such brokerage payments to respondent Quality Bakers of America, Inc., and have not resumed this practice."

It is further ordered, That the following paragraph be inserted as an additional and last paragraph of the Conclusion, being a part of the Findings as to the Facts and Conclusion of the Commission, dated April 27, 1939, to wit:

"The respondents Washburn-Crosby Company, Inc., and Red Star Milling Company were legally dissolved prior to the issuance and service of the complaint herein, and these companies are no longer corporate entities authorized to engage in business. The respondents Pillsbury Flour Mills Company, Consolidated Flour Mills Company, and Kansas Milling Company ceased paying brokerage fees to Quality Bakers of America, Inc., prior to the issuance and service of the complaint herein, have not resumed making such payments, and the Commission has no reason to apprehend that these respondents or any of them contemplate resuming or that they will resume the practice of paying such brokerage fees so discontinued prior to the issuance and service of said complaint."

It is further ordered, That the Order to Cease and Desist entered herein on April 27, 1939, be modified and amended by striking from said order the paragraph reading as follows:

"It is further ordered, That respondents Pillsbury Flour Mills Company, Consolidated Flour Mills Co., and Kansas Milling Company and their officers, representatives, agents and employees, in connection with the sale of the commodities in interstate commerce to the stockholders of Quality Bakers of Amer-

ica, Inc., do forthwith cease and desist from paying or granting, directly or indirectly, to said Quality Bakers of America, Inc., or to any such stockholder anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof;"

and substituting in lieu thereof the following paragraph, to-wit:

"It is further ordered, That the complaint herein, be, and the same hereby is, dismissed as to the respondents Pillsbury Flour Mills Company, Consolidated Flour Mills Company, and Kansas Milling Company, for the reason that prior to the issuance and service of the complaint herein, these respondents ceased paying brokerage fees to respondent Quality Bakers of America, Inc., and the Commission has no reason to apprehend that said respondents or any of them contemplate resuming or will resume the practice of paying such brokerage fees to said respondent."

It is further ordered, That, except as herein modified and amended, said Findings as to the Facts and Conclusion and said Order to Cease and Desist, shall remain and continue in full force and effect as originally entered.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4322; Filed, November 22, 1939; 10:32 a. m.]

[Docket No. 3678]

IN THE MATTER OF ALLE-RHUME REMEDY COMPANY, INC., ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' "Allenru", or other similar medicinal preparation, which advertisements represent, directly or by implication, that said preparation will drive out of or rid joints or muscles of all uric acid deposits; or that excess uric acid causes or aggravates most cases of rheumatism; or that said preparation is compounded from a safe or scientific formula, or is free from harmful drugs; or that it is a remedy or cure for, or has any substantial therapeutic value in the treatment of, rheumatism, sciatica, neuritis, lumbago or neuralgia; or that the use thereof will remove the cause of, or effect a quick relief from, sciatica, neuritis or lumbago; or that it will quickly stop the distress and pain of rheumatism, neuritis

or sciatica caused by excess uric acid or other circulating poisons; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified order to cease and desist, Alle-Rhume Remedy Company, Inc., et al., Docket 3678, November 13, 1939]

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ALLE-RHUME REMEDY COMPANY, INC., AND BLOCK DRUG COMPANY, INC., CORPORATIONS

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admitted all of the material allegations of fact set forth in said complaint and stated that they waived all intervening procedure and further hearing as to said facts, and the Commission having, on the 25th day of August 1939, made its findings as to the facts and conclusion that respondents had violated the provisions of the Federal Trade Commission Act, and the Commission having, on the 25th day of August 1939, issued its order to cease and desist¹ against said respondents, and said respondents having thereafter requested that said order to cease and desist be modified, and the Commission having duly considered said request, and the record herein, and being now fully advised in the premises, makes this its modified order to cease and desist:

It is ordered, That the respondents, Alle-Rhume Remedy Company, Inc., a corporation, and Block Drug Company, Inc., a corporation, their officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of their medicinal preparation now designated by the name "Allenru", or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under said name or any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to

¹ 4 F. R. 3826 DL.

induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisements represent, directly or by implication, that said preparation will drive out of or rid joints or muscles of all uric acid deposits; or that excess uric acid causes or aggravates most cases of rheumatism; or that said preparation is compounded from a safe or scientific formula, or is free from harmful drugs; or that said preparation is a remedy or cure for, or has any substantial therapeutic value in the treatment of, rheumatism, sciatica, neuritis, lumbago or neuralgia; or that the use of said preparation will remove the cause of, or effect a quick relief from, sciatica, neuritis or lumbago; or that said preparation will quickly stop the distress and pain of rheumatism, neuritis or sciatica caused by excess uric acid or other circulating poisons.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4323; Filed, November 22, 1939;
10:32 a. m.]

[Docket No. 3792]

IN THE MATTER OF JAMES HEDDON'S SONS

§ 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.48 (b) (6) *Disparaging competitors and their products—Goods—Qualities or properties.* First numbered prohibition of original cease and desist order in James Heddon's Sons, Docket 3792, August 8, 1939, altered so as to require respondent, in connection with offer, etc., in commerce, of respondent's Improved Heddon Pal hollow steel fishing rod, or other fishing rods, to cease and desist from "1. Representing in any manner that all hollow steel rods, have walls which are thicker at the tip than at the butt;" and ordered that original cease and desist order in all other respects remain in full force and effect upon the alteration, thus required, being made with respect to prohibition 1 of such order. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Order altering terms of order to cease and desist, James Heddon's Sons, Docket 3792, November 13, 1939]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 13th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF JAMES HEDDON'S SONS, A CORPORATION

ORDER ALTERING TERMS OF ORDER TO CEASE AND DESIST

This matter coming on to be heard by the Commission and it appearing that the Commission issued and served upon the respondent an order to cease and desist¹ which has become final and that the case should be reopened for the sole purpose of altering prohibition 1 of the aforesaid order to cease and desist, and it further appearing that the public interest requires the alteration of said prohibition 1 of the order to cease and desist, and that the respondent has waived any right to notice of, and opportunity for, hearing in any proceedings taken for the alteration of said order in the manner hereinafter set forth, and the Commission having duly considered the matter;

It is ordered, That the first numbered prohibition of said order to cease and desist issued by the Commission on August 8, 1939 be, and the same hereby is, altered so that as altered it will read as follows:

"1. Representing in any manner that all hollow steel fishing rods, other than respondent's hollow steel rods, have walls which are thicker at the tip than at the butt;"

It is further ordered, That the order to cease and desist issued on August 8, 1939, remain in full force and effect upon the alteration herein ordered being made with respect to prohibition 1 of said order to cease and desist.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4324; Filed, November 22, 1939;
10:33 a. m.]

TITLE 25—INDIANS

CHAPTER 1—OFFICE OF INDIAN AFFAIRS

SUBCHAPTER Y—TRADING WITH INDIANS

PART 276—LICENSED INDIAN TRADERS

Section 276.5 reads: "Government employees not to trade with Indians. No person employed in Indian affairs shall have any interest or concern in any trade with Indians, except for and on account of the United States; and any person offending herein shall be liable to a penalty of five thousand dollars and shall be removed from his office. * * * (R.S. 2078; 25 U.S.C. 68) [Sec. 5]"

¹ 4 F.R. 3665 DL.

is amended to read:

"§ 276.5 *Government employees not to trade with Indians except in certain cases.* Save as authorized by the act of June 19, 1939 (53 Stat. 840-41), no person employed in Indian affairs shall have any interest or concern in any trade with the Indians except for and on account of the United States; and any person offending herein shall be liable to a penalty of five thousand dollars and shall be removed from his office. Pending the promulgation of regulations prescribing in more detail the transactions authorized by the act of June 19, 1939, employees of the United States Government, including those in the Indian Service, may be permitted to trade with Indians or Indian organizations under the conditions specified below:

"(a) Employees of the United States Government, including those in the Indian Service, may, with the approval of the Secretary of the Interior in each case where the amount involved exceeds \$100, or with the approval of the Superintendent or other officer in charge, where the amount involved does not exceed \$100, be permitted to purchase from any Indian or Indian organization any arts and crafts or any other product, service or commodity produced, rendered, owned, controlled or furnished by any Indian or Indian organization: *Provided*, That no employee of the United States Government shall be permitted to make any such purchases for the purpose of engaging directly or indirectly in the commercial selling, reselling, trading, or bartering of said purchases by the said employee.

"(b) Indian employees of the United States Government of whatever degree of Indian blood may, during their term of employment or otherwise, and with the approval of the Secretary of the Interior in each case, obtain and receive all benefits made available to the Indians generally or to the members of any particular tribe under any act of Congress and may be members and receive benefits by reason of their membership in Indian tribes, corporations, or cooperative associations organized by the Indians. * * * (R.S. 2078; 25 U.S.C. 68; 53 Stat. 840-41) [Sec. 5]

OSCAR L. CHAPMAN,
Assistant Secretary.

NOVEMBER 9, 1939.

[F. R. Doc. 39-4321; Filed, November 22, 1939;
9:45 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER 1—FEDERAL COMMUNICATIONS COMMISSION

PART 1—RULES OF PRACTICE AND PRO- CEDURE

The Commission on November 20, 1939, effective immediately, amended Sec. 1.142¹ to read:

¹ 4 F.R. 3345 DL.

"§ 1.142 Copies. Unless otherwise specifically provided, an original and fourteen copies of all petitions, motions, pleadings and other documents required or permitted to be filed under these rules shall be furnished the Commission." (Sec. 4 (1), 48 Stat. 1066; 47 U.S.C. 154 (1))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-4326; Filed, November 22, 1939;
12:12 p. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

The Commission on November 20, 1939, effective immediately, amended subparagraph (f) of Sec. 9.73¹ by deleting footnote 18 in its entirety and by deleting the indicator from the frequency 5032.5 kilocycles.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-4327; Filed, November 22, 1939;
12:12 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

[Docket No. A-119 O-119]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND ORDER NO. 32, AS AMENDED, AND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

Whereas, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary issued Order No. 32, as amended,² regulating the handling of milk in the Fort Wayne, Indiana, marketing area, effective September 1, 1939; and

Whereas, the Secretary, on July 18, 1939, tentatively approved a marketing agreement, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area; and

Whereas, the Wayne Cooperative Milk Producers, Inc., has proposed certain amendments to said Order No. 32, as amended, and said tentatively approved marketing agreement, as amended; and

Whereas, the Secretary has reason to believe that the declared policy of said

act will be effectuated by holding a hearing on a proposal to amend Order No. 32, as amended, and said tentatively approved marketing agreement, as amended; and

Whereas, under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended,³ of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on a proposal to amend Order No. 32, as amended, and the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area, beginning at 10:00 a. m., c. s. t., November 28, 1939, in the Ball Room, Anthony Hotel, Corner Berry and Harrison Streets, Fort Wayne, Indiana.

This public hearing is for the purpose of receiving evidence as to whether or not the declared policy of said act will be effectuated by (1) revising the minimum prices for milk set forth in said order, as amended, and said tentatively approved marketing agreement, as amended; (2) making changes in the wording of said order, as amended, and said tentatively approved marketing agreement, as amended, for the purpose of affording more effective administration thereof; and (3) changing any other provisions of said order, as amended, and said tentatively approved marketing agreement, as amended.

Copies of said proposal prepared as a basis for the public hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

NOVEMBER 22, 1939.

[F. R. Doc. 39-4329; Filed, November 22, 1939;
12:33 p. m.]

[Docket No. A-120 O-120]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND ORDER NO. 20, AS AMENDED, AND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Whereas, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended

by the Agricultural Marketing Agreement Act of 1937, the Secretary issued Order No. 20, as amended,¹ regulating the handling of milk in the La Porte County, Indiana, marketing area, effective August 3, 1939; and

Whereas, the Secretary, on June 30, 1939, tentatively approved a marketing agreement, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area; and

Whereas, the La Porte County Milk Producers' Association has proposed certain amendments to said Order No. 20, as amended, and to said tentatively approved marketing agreement, as amended; and

Whereas, the Secretary has reason to believe that the declared policy of said act will be effectuated by holding a hearing on a proposal to amend Order No. 20, as amended, and said tentatively approved marketing agreement, as amended; and

Whereas, under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended,² of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on a proposal to amend Order No. 20, as amended, and the tentatively approved marketing agreement, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area, beginning at 10:00 a. m., c. s. t., November 29, 1939, at the Civic Auditorium, La Porte, Indiana.

This public hearing is for the purpose of receiving evidence as to whether or not the declared policy of said act will be effectuated by (1) revising the minimum prices for milk set forth in said order, as amended, and said tentatively approved marketing agreement, as amended; (2) providing special minimum prices applicable to milk disposed of outside the marketing area; and (3) revising other provisions so as to assure equitable administration.

Copies of said proposal prepared as a basis for the public hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

NOVEMBER 22, 1939.

[F. R. Doc. 39-4328; Filed, November 22, 1939;
12:33 p. m.]

¹ 4 F.R. 3381 DI.

² 4 F.R. 3723 DI.

³ 1 F.R. 155.

¹ 4 F.R. 3481 DI.

² 1 F.R. 155.

Food and Drug Administration.

[Docket No. FDC-10]

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE ON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTABLISHING A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE (A) FRUIT PRESERVE (FRUIT JAM) FOODS; (B) FRUIT JELLY FOODS, AND (C) FRUIT BUTTER FOODS

NOTICE OF CERTIFICATION AND FILING OF TRANSCRIPT OF EVIDENCE AND OF EXTENSION OF TIME FOR FILING OF PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ARGUMENTS

Each of the interested parties who has filed an appearance in the above-entitled proceedings, please take notice that the Presiding Officer has certified and filed with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0310, South Building, Independence Avenue, between 12th and 14th Streets, Southwest, Washington, D. C., the transcript of the testimony given in each of the above-entitled hearings, duly held pursuant to the notice thereof published in the FEDERAL REGISTER of August 11, 1939.

Take further notice that the time within which the proposed findings of fact, conclusions, and arguments in support thereof, may be filed by each interested party is hereby extended, on motion of the Presiding Officer, to and including December 15, 1939.

Dated, November 18, 1939.

[SEAL] M. F. MARKEL,
Presiding Officer.

[F. R. Doc. 39-4317; Filed, November 21, 1939;
4:06 p. m.]

Rural Electrification Administration.

[Administrative Order No. 411]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 14, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Pennsylvania 8006F1 Indiana.....	\$57,000
Pennsylvania 9023A1 Cambria.....	134,000
West Virginia 00101 Harrison.....	79,000
West Virginia 0010C1 Harrison.....	79,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-4314; Filed, November 21, 1939;
2:25 p. m.]

14 F. R. 3585 DI.

FEDERAL POWER COMMISSION.

[Docket No. G-144]

IN THE MATTER OF UNITED GAS PIPE LINE COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

NOVEMBER 20, 1939.

Commissioners: Clyde L. Seavey, Chairman; Basil Manly, Leland Olds, John W. Scott, concurring. Claude L. Draper, dissenting.

It appearing to the Commission that:

(a) United Gas Pipe Line Company has filed with the Commission certain rate schedules, designated in the files of the Commission as United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11, and certain supplements thereto, designated respectively Supplements Nos. 1 to 9, both inclusive, to each of said United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11, which schedules and supplements contain provisions whereby certain increased rates and charges for natural gas furnished to the Mississippi River Fuel Corporation for resale for ultimate public consumption, are proposed to be made effective on November 21, 1939;

(b) Said Supplements Nos. 9 to United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11 set forth certain statements purporting to justify the proposed increases in rates;

(c) The schedules of increased rates contained in said United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11, as modified by said Supplements Nos. 1 to 8, both inclusive, to each of said schedules, and referred to in said Supplements Nos. 9, which are proposed to be made effective on November 21, 1939, may result in excessive rates and charges to the Mississippi River Fuel Corporation, or place an undue burden upon ultimate consumers of natural gas, which increased rates have not been shown to be justified;

The Commission finds that:

It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon, but not for a longer period than five months beyond November 21, 1939;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on January 22, 1940, at 10 o'clock a. m., in the hearing room of the Federal Power Commission in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness

of the rates and charges contained in said United States Gas Pipe Line Company Rate Schedule F.P.C. Nos. 9, 10, and 11, as modified by said Supplements Nos. 1, 2, and 7 to each of said schedules, and referred to in said Supplements Nos. 9, which are proposed to be made effective on November 21, 1939;

(B) Pending such hearing, the schedules of increased rates for the sale of natural gas for resale for ultimate domestic or commercial consumption contained in said United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11, as modified by said Supplements Nos. 1, 2, and 7 to each of said schedules, and referred to in said Supplements Nos. 9, which are proposed to be made effective on November 21, 1939, be and the same are hereby suspended for a period of five months beyond November 21, 1939, unless the Commission shall hereafter otherwise order;

(C) During the said period of suspension the rates and charges now being collected and received by the United Gas Pipe Line Company from the Mississippi River Fuel Corporation, as provided in the said United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11, as modified by Supplements Nos. 1, 2, and 7 thereto, shall remain and continue in full force and effect;

(D) This order does not suspend or otherwise affect the rates and charges to be collected and received for natural gas sold to the Mississippi River Fuel Corporation for resale for ultimate industrial consumption only;

(E) At such hearing, the burden of proof to show that the proposed increased rates and charges are just and reasonable shall be upon the United Gas Pipe Line Company.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-4318; Filed, November 22, 1939;
9:15 a. m.]

[Docket No. G-145]

IN THE MATTER OF SOUTHERN CARBON COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

NOVEMBER 20, 1939.

Commissioners: Clyde L. Seavey, Chairman; Basil Manly, Leland Olds, John W. Scott, concurring. Claude L. Draper, dissenting.

It appearing to the Commission that:

(a) The Southern Carbon Company has filed with the Commission a certain rate schedule, designated in the files of the Commission as Southern Carbon Company Rate Schedule F.P.C. No. 3, and

certain supplements thereto, designated respectively as Supplements Nos. 1, 2, 3, 4, and 5 to said Southern Carbon Company Rate Schedule F.P.C. No. 3, which schedule and supplements, among other things, contain provisions whereby certain increased rates and charges for natural gas furnished to the Mississippi River Fuel Corporation for resale for ultimate public consumption, are proposed to be effective on November 21, 1939;

(b) Said Supplement No. 5 to Southern Carbon Company Rate Schedule F.P.C. No. 3, sets forth certain statements purporting to justify the proposed increased in rates;

(c) The schedules of increased rates contained in said Southern Carbon Company Rate Schedule F.P.C. No. 3, as modified by said Supplements Nos. 1, 2, 3, and 4 to said schedule, and referred to in said Supplement No. 5, which are to be made effective on November 21, 1939, may result in excessive rates and charges to the Mississippi River Fuel Corporation or place an undue burden upon ultimate consumers of natural gas, which increased rates have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon, but not for a longer period than five months beyond November 21, 1939;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on January 22, 1940, at 10 o'clock a. m., in the hearing room of the Federal Power Commission in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates and charges contained in said Southern Carbon Company Rate Schedule F.P.C. No. 3, as modified by said Supplements Nos. 1, 2, 3, and 4 to said schedule, and referred to in said Supplement No. 5, which are proposed to be made effective on November 21, 1939;

(B) Pending such hearing, the schedules of increased rates for the sale of natural gas for resale for ultimate domestic or commercial consumption contained in said Southern Carbon Company Rate Schedule F.P.C. No. 3, as modified by said Supplements Nos. 1, 2, 3, and 4 to said schedule, and referred to in said Supplement No. 5, which are proposed to be made effective on November 21, 1939, be and the same are hereby suspended for a period of five months beyond November 21, 1939, unless the Commission shall hereafter otherwise order;

(C) During the said period of suspension the rates and charges now being collected and received by the Southern Carbon Company from the Mississippi River Fuel Corporation, as provided in

the said Rate Schedule F.P.C. No. 3, as modified by Supplements Nos. 1, 2, 3, and 4 thereto, shall remain and continue in full force and effect;

(D) This order does not suspend or otherwise affect the rates and charges to be collected and received for natural gas sold to the Mississippi River Fuel Corporation for resale for ultimate industrial consumption only;

(E) At such hearing, the burden of proof to show that the proposed increased rates and charges are just and reasonable shall be upon the Southern Carbon Company.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-4319; Filed, November 22, 1939;
9:15 a. m.]

[Docket No. G-146]

IN THE MATTER OF INTERSTATE NATURAL
GAS COMPANY, INCORPORATED; HOPE
PRODUCING COMPANY

ORDER FIXING DATE OF HEARING AND SUS-
PENDING RATE SCHEDULES

NOVEMBER 20, 1939.

Commissioners: Clyde L. Seavey, Chairman; Basil Manly, Leland Olds, John W. Scott, concurring. Claude L. Draper, dissenting.

It appearing to the Commission that:

(a) Interstate Natural Gas Company, Incorporated, has filed with the Commission a certain rate schedule, designated in the files of the Commission as Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4, and certain supplements thereto, designated respectively Supplements Nos. 1, 2, 3, 4, 5, 6 and 7 to said Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4, which schedule and supplements contain provisions whereby certain increased rates and charges for natural gas furnished to the Mississippi River Fuel Corporation for resale for ultimate public consumption are proposed to be made effective on November 21, 1939;

(b) Hope Producing Company, being a party to the Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4 and supplements thereto set forth in (a) above, has filed with the Commission Certificates of Concurrence in said rate schedule and supplements, which Certificates of Concurrence have been designated as Hope Producing Company Rate Schedule F.P.C. No. 3 and Supplement No. 1 to Rate Schedule F.P.C. No. 3;

(c) Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4 sets forth certain statements purporting to justify the proposed increases in rates;

(d) The schedule of increased rates contained in said Interstate Natural Gas

Company, Incorporated, Rate Schedule F.P.C. No. 4, as modified by said Supplements 1, 2, 3, 4, 5, and 6 to said schedule, and referred to in said Supplement No. 7, which is proposed to be made effective on November 21, 1939, may result in excessive rates and charges to the Mississippi River Fuel Corporation, or place an undue burden on ultimate consumers of natural gas, which increased rates have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon, but not for a longer period than five months beyond November 21, 1939;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on January 22, 1940, at 10 o'clock a. m., in the hearing room of the Federal Power Commission in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates and charges contained in said Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4, as modified by Supplements Nos. 1, 2, 3, 4, 5, and 6, and referred to in said Supplement No. 7, and Hope Producing Company Rate Schedule F.P.C. No. 3 and Supplement No. 1 to Rate Schedule F.P.C. No. 3, which are proposed to be made effective on November 21, 1939;

(B) Pending such hearing, the schedules of increased rates for the sale of natural gas for resale for ultimate domestic or commercial consumption contained in said Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4, as modified by said Supplements Nos. 1, 2, 3, 4, 5, and 6 to said schedule, and referred to in said Supplement No. 7, and Hope Producing Company Rate Schedule F.P.C. No. 3 and Supplement No. 1 thereto, which are proposed to be made effective on November 21, 1939, be and the same are hereby suspended for a period of five months beyond November 21, 1939, unless the Commission shall hereafter otherwise order;

(C) During the said period of suspension, the rates and charges now being collected and received by the Interstate Natural Gas Company, Incorporated, and the Hope Producing Company from the Mississippi River Fuel Corporation, as provided in the Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4, as modified by Supplements Nos. 1, 2, 3, 4, 5, and 6 thereto, and Hope Producing Company Rate Schedule F.P.C. No. 3, shall remain and continue in full force and effect;

(D) This order does not suspend or otherwise affect the rates and charges to

be collected and received for natural gas sold to the Mississippi River Fuel Corporation for resale for ultimate industrial consumption only;

(E) At such hearing, the burden of proof to show that the proposed increased rates and charges are just and reasonable shall be upon the Interstate Natural Gas Company, Incorporated, and the Hope Producing Company.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-4320; Filed, November 22, 1939;
9:15 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1939.

[File Nos. 51-25, 60-8]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC CORPORATION

ORDER FOR CONSOLIDATION OF HEARINGS FOR STATED PURPOSES

The Commission now having pending before it the following related matters:

(1) File No. 51-25.—Application of Associated Gas and Electric Corporation, pursuant to Rule U-12C-3 under the Public Utility Holding Company Act of 1935, for an order of the Commission permitting the payment of certain interest on applicant's debentures.

(2) File No. 60-8.—Proceeding brought by the Commission, pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935, requiring Associated Gas and Electric Corporation to show cause why the Commission should not enter its order, pursuant to said Section, preventing the declaration or payment of further dividends by such company.

It appearing that such proceedings involve common questions of law and fact and that evidence offered in respect to each matter may have a bearing on the other, that the parties are the same in both matters, and that substantial saving in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard

as one matter and so that the evidence adduced in each matter may stand as evidence in the other for all purposes.

It is ordered, That the matters referred to in (1) and (2) hereof, Commission's File Nos. 51-25 and 60-8, be and they hereby are consolidated for the purpose of hearings thereon. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of either of such matters, to order a separate hearing with respect to either matter, or to close the record with respect to either matter and/or to take action thereon prior to closing the record on such other matter.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4325; Filed, November 22, 1939;
12:36 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of November, A. D. 1939.

[File No. 51-27]

IN THE MATTER OF THE UNITED CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (c) and Rule U-12C-2 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on December 6, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to

continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 2, 1939.

The matter concerned herewith is in regard to:

The United Corporation, a registered holding company, requests approval of the declaration and payment of dividends on the 2,488,712 outstanding shares of the Corporation's \$3.00 Cumulative Preference Stock amounting to \$1.05 per share, or a total of \$2,613,147.60. The proposed dividend is a full payment of accumulated dividends now in arrears on the Corporation's \$3.00 Cumulative Preference Stock amounting to \$1.05 per share, or a total of \$2,613,147.60.

The Corporation proposes to debit its Capital Surplus Account with the amount by which such dividend exceeds the balance in its Earned Surplus Account at the date of declaration. The balance in the Corporation's Earned Surplus Account at October 31, 1939 was \$99,933.68.

The Corporation proposes further that, upon the declaration and payment of the full amount of these dividends in arrears, the Corporation shall be permitted, without further authority from the Commission, to declare and pay the regular dividends on the \$3.00 Cumulative Preference Stock out of income accruing after payment of the dividends in arrears, upon condition that, the excess of such income above the amounts required to pay the regular dividends on the Preference Stock shall be credited to the Capital Surplus Account until the full amount of the dividend charged thereto shall be restored to that account; and no dividends shall be declared or paid on the Common Stock of the Corporation until such amount shall have been restored to the Capital Surplus Account.

The Corporation also requests that it be given such other and further relief as in the premises may be just and proper.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4330; Filed, November 22, 1939;
12:53 p. m.]